

Release  
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**SUMMARY OF CASES ACCEPTED  
DURING THE WEEK OF MARCH 23, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-38 People v. Mendoza, S067104. (A068978; 59 Cal.App.4th 1095.)  
Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case concerns whether prior California cases construing Pen. Code section 1157 preclude finding that the failure of the jury which convicted of murder explicitly to state the degree of murder on a verdict form was harmless under article VI, section 13, of the California Constitution so as to permit entry of a verdict of first degree murder when the case was tried solely on first degree murder theories and the jury found true special circumstances involving theories which require the murder be in the first degree.

#98-39 People v. Sargent, S067672. (C018062; 60 Cal.App.4th 137.)  
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case concerns whether felonious child endangerment by means of directly inflicting unjustifiable physical pain requires criminal negligence in addition to general criminal intent. (See Pen. Code, § 273a.)

(over)

#98-40 Vandenberg v. Superior Court, S067115. (C023922, C024460; 59 Cal.App.4th 898.) Petitions for review after the Court of Appeal granted petitions for peremptory writs of mandate. The court limited review to issues concerning (1) whether commercial arbitration decisions have collateral estoppel effect and (2) whether general liability insurance policies may in some circumstances provide an insured defendant with coverage for losses which are pleaded as breaches of contract.

## **DISPOSITIONS**

# 95-135 People v. Petty, S048702, was transferred to the Court of Appeal for reconsideration in light of *People v. Superior Court (Romero)*, 13 Cal.4th 497.

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